

REMARKS

Claim Amendments

Applicants have amended claims 1-6, 8-11, 13-15, 17-19, 21-23 and 40 to overcome the pending rejections and to place them in better form for allowance.

Specifically, applicants have amended claims 1 and 40 to recite a cationic dispersion comprising a nonionic hydrophilic polyester softener. Applicants have also amended claims 2-6, 8-11, 13-15, 17-19 and 21-23 to remove “about”, in the context of “less than” or “greater than”, as the Examiner has suggested.

None of these amendments adds new matter. Their entry is requested.

The Rejections

Paragraphs 1-2: 35 U.S.C. § 112, first paragraph, Enablement

Claims 1-25, 40 and 41 stand rejected under 35 U.S.C. § 112, first paragraph (enablement). In particular, the Examiner argues that the application, while being enabling for a hydrophilic, nonionic polyester softener, does not reasonably provide enablement for any hydrophilic, nonionic softener. The Examiner contends that the nonionic hydrophilic softener disclosed on page 10, lines 29-32 is a “polyester additive that improves the soil release properties and anti-static properties of the oil and water repellant composition” and that there is no mention of any other softener in the specification.

Applicants traverse. As stated in the November 21, 2003 Response of Office Action, applicants believe that one of skill in the art would recognize that many

softeners useful within the teaching of this invention exist. However, in order to expedite prosecution, applicants have amended claims 1 and 40 to clarify the subject matter claimed and to overcome this rejection by reciting a “hydrophilic nonionic polyester softener”. This amendment obviates the Examiner’s rejection under 35 U.S.C. § 112, first paragraph. Applicants respectfully request its withdrawal.

Paragraph 3-4: 35 U.S.C. § 112, second paragraph, Indefiniteness

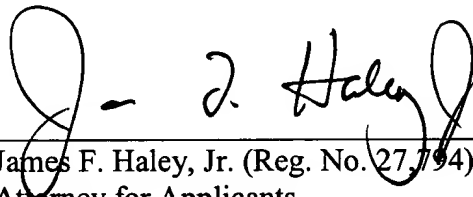
Claims 2-6, 8-11, 13-15, 17-19, and 21-23 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter of the invention. In particular, the Examiner states that “about” in the context of the expressions “greater than” and “less than” render the claims indefinite. The Examiner states that “less than” or “greater than” or “about” are definite but not “greater than about” or “less than about”.

Applicants disagree that “about” in the context of the terms “greater than” or “less than” render the claims indefinite. However, to expedite prosecution, they have amended claims 2-6, 8-11, 13-15, 17-19, and 21-23 to adopt the Examiner’s suggestion and removed the term “about”. This amendment when it is used in connection with “greater than” and “less than” overcomes the Examiner’s objection. Applicants respectfully request its withdrawal.

CONCLUSION

Applicants request that the Examiner enter the above amendments,
consider the foregoing remarks, and allow the pending claims to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. F. Haley, Jr.", is written over a horizontal line.

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